

Dear Office of The Clerk,

APR 18 2008

4-12-08

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAFILED
APR 18 2008RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

My Name is ~~Thomas~~ Hilbert

E-50957 - in Reference to Case
Number # CV081181, TEH (R)

Enclosed is a Copy of a
Sworn Statement from an
Inmate Witness.

Please Amend This
Statement into my Complaint
As well As Inmate Milago's
#K-13061.

Thank you of your time

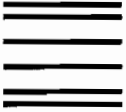
John Hilbert

(Sworn Statement by: Wyhatt Weatherbie) 3-6-08
 ON 3-9-07 at 12:20am i heard loud voices coming
 from outside my cell (A1-225) at which time i got
 up from my bed and looked outside my cell door
 and saw C/O Delivillar going up C-section side stair
 case and stop in front of cell (A1-244) which is
 housed by in-mate Gilbert and in-mate Milazo.
 I heard The above officer say go lay-down. (I
 couldn't make out what - If anything - Milazo or
 Gilbert were saying at That Time.) The above officer
 - after about 5 minutes - Walked away and about 15 min
 utes later (The loud voices went on the whole time) The
 same officer came back up the stairs and This time
 while The officer was at The cell door The control
 officer (C/O Gilmore) yelled "Shut The Fuck up" and I
 heard milazo yell out (I dont believe he knew who
 yelled at them because C/O Delivillar was blocking The
 cell window) "you shut The Fuck-up!" At That Time
 I saw a fast movement and The Food port Slame shut
 and milazo yelled out "you're going to hit me in
 my Rib - because i told an In-mate to shut-up!" C/O
 Delivillar said "oh, is That what i did." as he was
 walking away-back down the stairs. (I also believe
 That milazo had NO idea That The control officer is
 The one whom Told him to shut-up, because when he
 loudly said to C/O Delivillar your going to hit me because
 I told an In-mate to shut-up - This is my guess) About 5
 minutes passed and I watched The same officer - while

walking up the stairs shakling (2) cans (Blue) of C.O. pepper spray. he stopped in front of A1-244 again and opened The feed port and sprayed a can into The Cell. After it ran out he stuck in another can and started spraying - only This time while he sprayed he half heartedly - while moving his head back-n-forth - WAS saying stop fighting, stop fighting, and Then slammed The port shut and said "Suck it up rats" and Walked down the stairs and The Door and Then came back in with other officers and Sergeant Clark (From The time Delivillar shut The port, left and came back - Took 8 minutes) Then The Sgt Clark said To The control "hit The Alarm" I Then saw Yo Vilallobos and Sgt Clark Take milazo out The door and I saw Yo Vilallobos get outside while pulling up on The cuffs turn milazo back into The outside wall Talking some kind of Trash. Then They Took Gilbert out of the cell and he dropped down outside of the cell door - so he could get his breath and Then they put him into the Shower. They moved Gilbert into cell A1-247 and about 4 hours later They brought milazo back and put him into The same Shower (c-upper) and after he Showered The spray off They put milazo back into The same cell A1-244. This is The end of my statement) I Swear under penalty of perjury That The above statement is true and Correct. ON This 6th day of March 2007 in The City of Soledad, County of Monterey, State of California.

Wyhatt Weatherbie Wyatt Weathersee

John E Gilbert E-50957
P.O. Box 1050 / A3-111
Soledad, Calif 93960
Salinas Valley State Prison



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